

# **EXHIBIT 5**

**Ben Stern**

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**From:** Lauren.Sharkey@lw.com  
**Sent:** Thursday, June 20, 2019 1:37 AM  
**To:** Timothy Shannon; Rebecca.Rabenstein@lw.com; David.Frazier@lw.com; ASTELLASASTELLASV.IMSTEM.LWTEAM@lw.com; spritchett@nixonpeabody.com; shansen@nixonpeabody.com; tlieberman@nixonpeabody.com  
**Cc:** Jennifer Harrell; Ben Stern  
**Subject:** RE: Astellas v. ImStem, No. 1:17-cv-12239-ADB (D. Mass.) - Missing metadata  
**Attachments:** CustodianOL.zip

Tim,

Attached is an overlay that has custodian, bates and file name information for the redacted documents. The password for this zip file is &38@dkwW. We are working on obtaining the additional metadata and will get it to you via another overlay as quickly as possible. We note that the first time you raised this issue was on June 19 at 11:14 pm, despite the fact that we produced documents to you on :

Production Volume	Date Produced
0001	January 30, 2019
0002	February 8, 2019
0003	February 19, 2019
0004 & 0004a	March 29, 2019
0005 & 0006	April 23, 2019
0007	June 13, 2019

Kind regards,

Lauren

**From:** Sharkey, Lauren (CH) <Lauren.Sharkey@lw.com>  
**Sent:** Wednesday, June 19, 2019 10:57 PM  
**To:** Timothy Shannon <tshannon@verrilldana.com>; Rabenstein, Reba (DC) <Rebecca.Rabenstein@lw.com>; Frazier, David (DC) <David.Frazier@lw.com>; #C-M ASTELLAS - ASTELLAS V. IMSTEM - LW TEAM <ASTELLASASTELLASV.IMSTEM.LWTEAM@lw.com>; 'spritchett@nixonpeabody.com' <spritchett@nixonpeabody.com>; 'shansen@nixonpeabody.com' <shansen@nixonpeabody.com>; 'tlieberman@nixonpeabody.com' <tlieberman@nixonpeabody.com>  
**Cc:** Jennifer Harrell <jharrell@verrilldana.com>; Ben Stern <bstern@verrilldana.com>  
**Subject:** RE: Astellas v. ImStem, No. 1:17-cv-12239-ADB (D. Mass.) - Missing metadata

Tim,

This is the first I am hearing of this- -could you provide me the bates of an example or two so I can look into the issue?

Thank you,

Lauren

**From:** Timothy Shannon <[tshannon@verrilldana.com](mailto:tshannon@verrilldana.com)>  
**Sent:** Wednesday, June 19, 2019 10:14 PM  
**To:** Sharkey, Lauren (CH) <[Lauren.Sharkey@lw.com](mailto:Lauren.Sharkey@lw.com)>; Rabenstein, Reba (DC) <[Rebecca.Rabenstein@lw.com](mailto:Rebecca.Rabenstein@lw.com)>; Frazier, David (DC) <[David.Frazier@lw.com](mailto:David.Frazier@lw.com)>; #C-M ASTELLAS - ASTELLAS V. IMSTEM - LW TEAM <[ASTELLASASTELLASV.IMSTEM.LWTEAM@lw.com](mailto:ASTELLASASTELLASV.IMSTEM.LWTEAM@lw.com)>; 'spritchett@nixonpeabody.com' <[spritchett@nixonpeabody.com](mailto:spritchett@nixonpeabody.com)>; 'shansen@nixonpeabody.com' <[shansen@nixonpeabody.com](mailto:shansen@nixonpeabody.com)>; 'tieberman@nixonpeabody.com' <[tieberman@nixonpeabody.com](mailto:tieberman@nixonpeabody.com)>  
**Cc:** Jennifer Harrell <[jharrell@verrilldana.com](mailto:jharrell@verrilldana.com)>; Ben Stern <[bstern@verrilldana.com](mailto:bstern@verrilldana.com)>  
**Subject:** Astellas v. ImStem, No. 1:17-cv-12239-ADB (D. Mass.) - Missing metadata

Lauren & Reba,

It has come to our attention that the Plaintiffs removed metadata from approximately 3200 redacted documents in the Astellas production. This includes both relevancy redactions and privilege redactions. By way of example, the custodian field is blank for over 3,000 documents. We consider this improper and assume it was an oversight. For documents containing relevancy redactions, the document by definition contains at least some responsive information; the metadata is associated with that responsive information. For documents containing privilege redactions, the document likewise contains non-privileged and responsive information, for which the metadata may be necessary to confirm privilege.

This is causing several problems. Most immediately, it's causing us to miss documents in our filtering, searching, analysis, and preparation for depositions. Please provide overlay load files containing the metadata fields agreed upon in the Court's ESI order ASAP. If you provide it by tomorrow morning we will endeavor to run our searches for Lanza in time to use them in the deposition.

Regards,  
Tim

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